

## PATENT COOPERATION TREATY



## PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

REC'D 21 JUL 2004

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Applicant's or agent's file reference WPP89080		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/03883	International filing date (day/month/year) 07.08.2003	Priority date (day/month/year) 09.08.2002	
International Patent Classification (IPC) or both national classification and IPC B63B1/08			
Applicant PENTECOST, William Francis			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p> <p style="text-align: right;">EPO - DG 1 17. 09. 2004 (36)</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand  08.03.2004		Date of completion of this report  20.07.2004	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Nicol, Y  Telephone No. +49 89 2399-2984  	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IB 03/03883

**I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-17 received on 01.07.2004 with letter of 28.06.2004

**Drawings, Sheets**

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IB 03/03883**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 17 are so unclear that no meaningful opinion could be formed (*specify*):

*see separate sheet*

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 1-16

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/03883

**POINT III:**

1. As it was mentioned in the international search (ISR) report and in the first written opinion of the IPEA (International Preliminary Examining Authority) under point III, the question whether claims 8-12, 15 and 18 as originally filed, appears to be novel, to involve an inventive step, or to be industrially applicable will not be subject of the present international preliminary examination (IPE) because these claims have not been searched (Art. 17(2) (a) and Rule 66.1(e) PCT.

**2. Independent claim 1**

As mentioned by the applicant, present claim 1 filed with letter of 28/06/2004 is based on claims 1, 8, 17 and 39 as originally filed. Since claim 8 as originally filed has not been searched (see ISR), present claim 1 has either not been fully searched and therefore this claim will not be subject of the present IPE (see also above).

**3. Dependent claims 2-16**

As claims 2-16 are dependent on claim 1, their subject matter also include subject matter of claim 8 as originally filed and therefore their subject matter has not been fully searched. Consequently and in the same way as explained above, these claims will not be subject of the present IPE.

**4. Claim 17**

Claim 17 contains references to the description and the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here. The subject matter of such a claim can not be examined.

## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/IB 03/03883

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B63B1/08

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B63B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Location of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 911 806 A (N. B. BROWARD.) 9 February 1909 (1909-02-09)	1-4,6,7, 14,16, 18,19, 34-41, 43-49 5
Y	the whole document	
X	CA 2 246 031 C (DUST NORMAN) 5 August 2003 (2003-08-05)	1-4,6,7, 13,14, 16,17, 19, 34-41, 43-49 5
Y	abstract; figures	
X	US 6 065 415 A (ORR ANTHONY HUGH) 23 May 2000 (2000-05-23) the whole document	1,17,20, 42

-/-

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubt on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principles or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"Z" document number of the same patent family

Date of the actual completion of the international search

19 January 2004

Date of mailing of the international search report

06/02/2004

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/IB 03/03883

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	FR 2 175 380 A (ERIKSBERGS MEK VERK)	1
A	19 October 1973 (1973-10-19) figure 3	21-24
Y	JP 58 152691 A (YAMAHA HATSUDOKI KK) 10 September 1983 (1983-09-10) abstract; figures	5

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/IB 03/03883

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 8-12, 15, 18  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 8-12,15,18

The formulation of present claims 8-12,15 and 18 is so unclear that a lack of clarity within the meaning of Article 6 PCT arises to such an extent as to render a meaningful search of the claims impossible. Consequently, the search has been carried out for those parts of the application which do appear to be clear, namely for the subject-matter of the other claims.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 03/03883

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 911806	A	NONE	
CA 2246031	C	28-02-2000	CA 2246031 A1 28-02-2000 US 2001001941 A1 31-05-2001
US 6065415	A	23-05-2000	GB 2295586 A 05-06-1996
FR 2175380	A	19-10-1973	SE 416790 B 09-02-1981 FR 2175380 A5 19-10-1973 JP 48104286 A 27-12-1973
JP 58152691	A	10-09-1983	NONE

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CLMSPAMD

EP03784434.7 - PCTIB 03 03883

EPO - DG 1

01.07.2004

## Claims

- 1 (54) A water craft being a tunnel hull wherein the walls of the tunnel curve out toward the beam of the craft on both sides so that a roofed swallow tail is formed in the aft section of the water craft with its widest part toward the stern of the craft in which the walls of the swallow tail form a chine at the junction with the substantially flat bottoms of the sponsons of the tunnel hull water craft in the aft section with the angle between the sides of the swallow tail and the bottoms of the sponsons of the tunnel hull water craft being within 25 degrees of a right angle.
- 2 A water craft as in Claim 1 in which the walls of the swallow tail support the roof of the swallow tail section of the tunnel hull substantially below the load water line while the tunnel hull is at rest.
- 3 A water craft as in Claim 1 in which the two walls of the swallow tail support the roof of the swallow tail substantially above the load waterline while the tunnel hull is at rest.
- 4 A water craft as in the preceding claims wherein the space between the two walls of the swallow tail is roofed all the way to the transom.
- 5 A water craft as in Claims 1 to 3 wherein the craft has a recessed transom in the area of the roofed swallow tail, where the central part of the transom is forward of the outer two sections of the transom.
- 6 A water craft as in the preceding claims wherein the swallow tail begins before the aft third of the craft's length, but in the aft half of the craft.
- 7 A water craft as in Claims 1 to 5 wherein the swallow tail begins in the aft third of the crafts length.
- 8 A water craft as in claims 1 to 7 wherein the junction of the wall of the swallow tail and the bottom of the craft is in part of the length of the swallow tail more than 25 degrees from the right angle while still forming a chine.
- 9 A water craft as in the previous claims wherein within the first two thirds of the length of the swallow tail each wall diverges from it's forward starting point by less than 25 percent of the distance from the starting point to the maximum waterline width to form a shallow divergence of the walls in the forward section of the swallow tail.
- 10 A water craft as in the Claims 1 to 8 wherein each wall of the swallow tail diverges 70 percent of the distance from their starting point to the maximum waterline width within the aft 25 percent of the length of the swallow tail to form a tight curve outward toward the beam of the boat of the wall of the swallow tail so that in the aft section the chine on the swallow tail to bottom of the sponson juncture is angled largely across the beam of the tunnel hulled water craft.

AMENDED SHEET

- 11 A water craft as in the claims 1 to 10 in which the draft of the swallow tails decrease along their lengths from where they begin forward at or near the maximum draft of the water craft to be at or near the load waterline at or near the transom.
- 12 A water craft as in the claims 1 to 10 in which the draft of the swallow tails in relation to the load waterline remains substantially the same along the length of the swallow tail length forward to aft to be at the same level in relation to the bottom of the sponsons of the tunnel hull water craft.
- 13 A water craft as in the previous claims in which there is a sharp chine, or within 25 degrees of a right angle edge, both where the walls of the swallow tails meet the bottom of the boat and where the sides of the hull meets the bottom of the boat to form chines on both sides of the sponsons in the aft section of the hull of the tunnel hull water craft.
- 14 A water craft as in Claim 13 and the previous claims where the bottom of the tunnel hull is substantially flat in the hull aft sections between the chines along the swallow tail and the chines along the outer sides of the water craft so that between the chines on both sides of the sponsons in the aft section there is a generally flat planing surface.
- 15 A water craft as in the previous claims wherein the sides of the craft and the walls of the swallow tails converge to meet at points near the transom on their respective port or starboard sides of the tunnel hull craft so that each sponson of the tunnel hulled water craft is narrow in width at or near the transom.
- 16 A water craft as in the previous claims wherein concave sections formed along the length of the bottom of the water craft or part of the length of the water craft, flow into the chines in the aft section of the water craft and so toward the aft section of the craft the said concave sections end in a sharp edge which is within 25 degrees of a right angle which is a continuation of the general sharp edges between the walls of the swallow tails and the bottom of the sponsons of the tunnel hull water craft.
- 17 A watercraft as described herein with reference to Figures 1 to 44 of the accompanying drawings.

AMENDED SHEET